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Paper No. 8

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In re Application of
Keith A. Snail, et al.
Application No. 09/430,132
Filed: October 9, 1987
Attorney Docket No. 70,840

DECISION ON PETITION

This is a decision on the supplemental petition to take action, filed August 20, 1999, and the renewed petition to take action, filed November 8, 1999. Both petitions were filed under the provisions of 37 CFR 1.181.

The petitions are **granted**. The patent application materials submitted on August 20, 1999 have been accepted and accorded a filing date of October 9, 1987.

Because this application lacks an executed oath or declaration, petitioner is forewarned that the Office of Initial Patent Examination will be issuing a Notice to File Missing Parts of Application for this application file. Should petitioner care to submit the executed oath or declaration prior to receipt of the Notice to File Missing Parts, petitioner is informed that a \$65.00 surcharge must accompany the late-filed oath or declaration. 37 CFR 1.16(e), 37 CFR 1.53(b), 37 CFR 1.63(a).

A review of the Office records for the named inventors for this application indicate that the first named inventor, Keith A. Snail, was residing in Silver Spring, Maryland as late as 1995 and that the second named inventor, Kevin F. Carr, was residing in Sunpee, New Hampshire as late as 1994. A petition under 37 CFR 1.47 should not be filed until all attempts to contact each inventor have been exhausted.

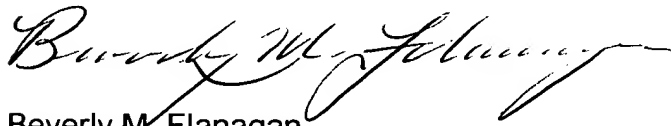
Receipt is acknowledged of the assignment submitted with the application papers; the assignment has been entered into the file wrapper for this application and has been accorded a paper number. A review of the assignment records for the Office indicate that this invention is indeed recorded at reel 4772, frame 756, however, petitioner is informed that the assignment does not reference an application number. Accordingly, petitioner is advised to contact Applications Branch to determine if another recordation

cover sheet should be filed in order to update the information for this assignment. Petitioner should note that because the assignment for this invention was only signed by Keith A. Snail, Mr. Snail's assignee, the Secretary of the Navy, remains the undivided part owner of this patent application with other undivided part owner of this patent application being Kevin F. Carr.

Petitioner is further informed that no power of attorney has been filed with this application. Thus, should petitioner seek to prosecute this patent application, a properly executed power of attorney should be filed. The power of attorney must be signed by the Secretary of the Navy and Kevin F. Carr as the undivided part owners of this patent application and should indicate a correspondence address of record. See MPEP §§ 402.10 and 403

This application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Karen Canaan at (703) 306-3313.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects